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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91202644
Party	Defendant Milux Holding S.A.
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Submission	Motion to Amend Application
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Date	08/23/2012
Attachments	aerocrineweb.dev.qd.pdf (1 page)(58547 bytes) OPP 91202644 MOTION TO AMEND APP.pdf (6 pages)(97983 bytes)

About Aerocrine

Aerocrine at a glance

Aerocrine is a medical technology company focused on improving the treatment of patients with inflamed airways. Measuring airways inflammation helps doctors to diagnose, monitor and optimise therapy for people with inflammatory airway diseases.

The founders of Aerocrine emerged from the highly prestigious Karolinska Institute in Sweden where they were the first to identify nitric oxide (NO) as a marker of inflammation. Aerocrine has taken this significant discovery from laboratory to listed company and is now established in some of the world's largest markets. The company markets two products globally NIOX Flex and NIOX MINO. Both are highly reliable and effective tools to assist in the diagnosis and control of airways disease.

Aerocrine will continue to develop products to improve the quality of life, management and care of people with airways inflammatory disease.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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In the matter of Application Serial No. 85040338

Mark: MASTER

Published: May 24, 2011

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MasterCard International Incorporated,	:	
	:	
Opposer,	:	
	:	
v.	:	Opposition No.: 91202644
	:	
Milux Holding S.A.	:	
	:	
Applicant.	:	
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MOTION TO AMEND APPLICATION

Applicant, Milux Holding S.A., by and through counsel, hereby requests the amendment of its trademark application for the mark MASTER, App. No. 85040338, in Classes 9, 10 & 44 (the "Application"). Opposer has consented to this Amendment as part of a settlement of the instant opposition proceeding subject to acceptance of the Amendment of the Application by the U.S.P.T.O. as listed below.

AMENDMENT OF GOODS AND SERVICES

Applicant requests that Classes 9, 10 & 44 be amended as follows:

Class 9: Apparatus, devices and instruments, all not used in direct association with active implants, for measuring, receiving, sending, checking, controlling, driving, transferring, transmitting, processing, analyzing, conducting, switching, transforming, accumulating, and regulating electricity, energy and/or data, including physical parameters, namely, electronic storage devices in the nature of blank memory discs, memory cards and data storage media, namely, packaged semiconductors, electronic

control unit and programmer which controls the working parameters of wireless communication systems and wireless powering systems, chargers in the nature of battery chargers, digital chargers and electronic chargers, electronic transmitters and electronic receivers of electronic signals, and electronic circuits; remote controls for wireless controlling, and programming wireless charger apparatus for wireless energizing and control stations for wireless controlling, programming and energizing of active implants; software, in particular for active medical implants, for measuring, receiving, sending, checking, transferring, calculating, processing, controlling, presenting and analyzing of data, namely, data about electricity, energy, physical parameters, and communication and programming data in medical implants; software, in particular for measuring, receiving, sending, checking, transferring, calculating, processing, controlling, presenting and analyzing of data, namely, data about electricity, energy, physical parameters, communication and programming data in apparatus, devices and instruments for communicating with, energizing and programming of medical implants; and data processing equipment and computers; *none of the foregoing being in relation to credit cards, debit cards, payment cards, automatic teller machines (ATMs), point of sale payment terminals, financial, banking and credit services, ATM services, electronic funds and currency transfer services, payment services, and computer hardware and software for carrying out the aforementioned services.*

Class 10: Medical and surgical apparatus, instruments and devices, including active and non-active medical implants, namely, medical implants comprised of artificial material; medical and surgical apparatus, instruments and devices intended for use inside the mammal or human body, in particular manual, electrical or a combination of manual and

electrical apparatus, devices and instruments, in all goods including medical hydraulic, mechanical, and pneumatic apparatus, devices and instruments, namely, medical implants comprised of artificial material; medical and surgical apparatus, instruments and devices for replacing and adding one or more bodily functions and parts inside the body, namely, medical implants comprised of artificial material; medical and surgical apparatus, instruments and devices designed for wireless programming, wireless controlling, wireless communicating and wireless energizing, namely, active implants in the nature of implants consisting of artificial materials, and a wireless transmitter and a receiver as an integral component of a surgical implant; wireless communication systems, apparatus, devices, and instruments and wireless energizing systems, apparatus, devices, and instruments for measuring, receiving, sending, switching, transforming, accumulating, regulating, storing, checking, controlling, driving, transferring, transmitting, processing and analyzing, in all the applicable aforementioned goods, of data including physical parameters, electricity, energy and data, namely, electronic transmitters for communicating with, and energizing of, and used in direct association with, active medical implants consisting of artificial materials; surgical instruments in particular to be used during operations of active or non-active medical implants; veterinary medical and surgical apparatus, instruments and devices, for use in implant surgeries; medical and surgical apparatus, instruments and devices for orthopaedic joint implants; and medical implants for collecting, receiving, sending, storing, preparing, controlling, analyzing and processing of data and energy to and from said medical implants; all above goods excluding dental goods; ***none of the foregoing being in relation to credit cards, debit cards, payment cards, automatic teller machines (ATMs), point of sale payment***

terminals, financial, banking and credit services, ATM services, electronic funds and currency transfer services, payment services, and computer hardware and software for carrying out the aforementioned services.

Class 44: Medical services in relation to medical implants for collecting, sending, receiving, storing, preparing, controlling, presenting, calculating, analyzing and processing of data to and from patients and to and from medical implants and to and from remote controls, wireless charger apparatus and control stations for active implants; surgical and health services, namely, implantation of artificial implants to allow the implants to collect, send, receive, store, prepare, control, present, calculate, analyze, and process of data to and from patients and to and from medical implants and to and from medical implants and to and from remote controls, wireless charger apparatus and control stations for active implants; providing a medical, surgical and health database featuring medical, surgical and health information relating to medical implants that has been input, collected, received, prepared, controlled, programmed, calculated, and analyzed, from medical implants, remote controls or control stations for use by medical, surgical and health professionals for the purposes of monitoring and diagnosing medical conditions; medical and surgical services, namely, implantation of artificial implants in relation to medical implants for programming, controlling, communicating with, and energizing of, active implants; and medical and surgical services, namely, artificial implantation services for persons having a medical related condition and being candidates for or being operated on with an active or a non-active implant; all above services excluding dental services; *none of the foregoing being in relation to credit cards, debit cards, payment cards, automatic teller machines (ATMs), point of sale payment terminals, financial,*

banking and credit services, ATM services, electronic funds and currency transfer services, payment services, and computer hardware and software for carrying out the aforementioned services.

Dated: August 23, 2012

Respectfully submitted,

I hereby certify that this correspondence is being filed by electronic transmission in the United States Patent and Trademark Office, Trademark Trial and Appeal Board on the date shown below.

/Inez P. Vega/
Inez P. Vega

Dated: August 23, 2012

By: /Gregory P. Gulia/
Gregory P. Gulia
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on August 23, 2012 a true and correct copy of the foregoing Motion To Amend Application was sent via First Class Mail, postage prepaid, to Opposer's attorney of record and Correspondent:

Robert M. Wasnofski, Jr., Esq.
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/Inez P. Vega/
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